

PLAINTIFF'S EXHIBIT T

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LATHIERIAL BOYD,

Plaintiff,

vs.

Case No. 13 C 7152

CITY OF CHICAGO, CHICAGO

POLICE OFFICER RICHARD

ZULEY, star no. 15185;

CHICAGO POLICE OFFICER

LAWRENCE THEZAN, star

no. 9419, CHICAGO POLICE

OFFICER STEVE SCHORSCH,

star no. 8955; CHICAGO

POLICE OFFICER JOHN

MURRAY, star no. 3175;

CHICAGO POLICE OFFICER

WAYNE JOHNSON star no.

4266; and RAY KAMINSKI,

as special

representative of the

Estate of former Chicago

police officer ANDREW

SOBOLEWSKI,

Defendant.

The deposition of GLENN DIAMOND, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before JENNIFER M. DALY, a certified shorthand reporter within and for the County of Cook and State of Illinois, at 77 West Wacker Drive, Suite 3100, Chicago, Illinois, on the 14th day of December, 2015, at the hour of 10:01 a.m.

REPORTED BY: JENNIFER M. DALY, RPR, CSR
LICENSE NO.: 084-004688

1 I'd say it was -- I'd say it was less
2 than five. The thing that I remember most about
3 it -- let me rephrase that.

4 One of the things that I remember
5 strongly about it is that he didn't run. And I
6 watched him and he didn't run, he just walked away.
7 And that's been a big memory with me about that
8 because of -- because it's cold.

9 Q. Now, after he shot, did you see the
10 victims?

11 A. Yes.

12 Q. Where were they in relation to the
13 shooter?

14 A. Like a triangle, and I'm the bottom
15 left-hand of the triangle, the shooter is the top,
16 the pinnacle. And then the victims were the right
17 side of the bottom of the triangle.

18 Q. Both of them?

19 A. Victims, yeah, excuse me, on the same
20 side of the street, the victims were.

21 Q. Ane how far away was the shooter from
22 the victims?

23 A. Twenty-five feet.

24 Q. So I'm just trying to sort of get my own

1 mental picture, try to put myself there.

2 When he shot them, did he just sort of
3 stand there, and that allowed you to look at him?

4 A. No, he didn't just stand there.

5 Q. What did he do after he was done
6 shooting the victims?

7 A. Yeah, he turned and walked away.

8 Q. Pretty much immediately?

9 A. Pretty much immediately, but not with
10 a -- not with a quickness of somebody that is doing
11 something and then trying to get away. It was -- it
12 was a -- it was with that kind of a cold arrogance,
13 maybe, is what you might --

14 Q. What direction did he go in?

15 A. He went back across the street.

16 Q. He crossed Clark Street?

17 A. Mm-hmm.

18 Q. And then which direction did he walk?

19 A. I'm not sure which way he went after
20 that. That was when I stopped watching him.

21 Q. So did he continue down Clark Street?

22 A. No.

23 Q. Where did he go?

24 A. I feel like he walked to the dark in the

1 building that was -- the building there on
2 Clark Street right where he was next to, that he
3 turned, and my memory is that he walked into that
4 dark, like, into the alley.

5 Q. So there was Exodus, right, and then
6 there was a building next to Exodus?

7 A. Across from Exodus.

8 Q. Across the street?

9 A. Yes.

10 Q. And then there was an alley next to that
11 building?

12 A. Seemed like there was a parking lot.

13 Q. A parking lot?

14 A. Like a small space in the building.

15 Q. And is that where he went?

16 A. That's my memory of it, yeah.

17 Q. Can you do me a favor and just draw a
18 diagram. I'm just having a little trouble
19 visualizing it. Of Exodus and where you were
20 standing maybe with a "GD" where you were standing.

21 Could I see?

22 A. Yeah, it's not -- can I have another
23 piece of paper?

24 Q. Yeah. Sure.

1 somebody out. I -- really didn't seem like -- it
2 didn't -- I mean, I didn't -- I didn't -- I didn't
3 feel comfortable picking anybody out really.

4 Q. Did you tell them you couldn't identify
5 anyone?

6 A. Yeah.

7 Q. And so what did they say?

8 A. Then they continued to talk to me about
9 picking somebody.

10 Q. What did they say?

11 A. I remember somebody saying, If you had
12 to pick somebody, who would you pick?

13 And then they were asking me
14 percentages, and there was two police officers.

15 Q. Do you remember their names?

16 A. No.

17 Q. Do you remember anything about what they
18 looked like?

19 A. Not really.

20 Q. Do you remember their race or their age
21 or anything like that?

22 A. I think they were both white. Maybe one
23 of them had a black mustache. I don't remember. I
24 don't know for sure.

1 (Diamond Deposition Exhibit
2 No. 3 was marked for
3 identification.)

4 THE WITNESS: Can I continue with the
5 question? Because there's more to that -- to
6 the answer of that question.

7 BY MS. FORDYCE:

8 Q. Sure, please.

9 A. Then I finally picked No. 4 -- I guess
10 really he's No. 3, right? The man with the black
11 jacket on with the white T-shirt?

12 Q. Yeah, you want to put your initials
13 above his head for me, please?

14 A. Yes.

15 And that was after he -- if you had to
16 pick somebody.

17 Q. That was after you told them I can't
18 pick someone, and then they said, Well, if you had
19 to, who would it be, or words to that effect?

20 A. And I said him. And then he asked me to
21 give them a percentage, and I thought the percentage
22 was like 60, 60 to 80. But I definitely wouldn't
23 give them a hundred percent because I -- I mean --

24 Q. You said you did not give them a

1 A. Yeah.

2 Q. Do you know who in Exhibit 3 is
3 Lathierial Boyd, the plaintiff in this action?

4 A. I do now, yes.

5 Q. Who is Mr. Boyd?

6 A. Either No. 1 or No. 6.

7 Q. He's the gentleman with an X over his
8 head?

9 A. Yes.

10 Q. You say "I do now," what do you mean by
11 that?

12 A. Because, at the time, I didn't know --
13 at the time of the lineup, I didn't know who
14 Lathierial Boyd was or --

15 Q. Did you discuss Mr. Boyd at all at the
16 lineup with the police officers, specifically?

17 A. Not his name. There was one point where
18 when I was picking Mr. Simmons that the officers
19 asked me if I thought it could have been somebody
20 else, and pointed to that side of the lineup.

21 And I said no. And that's when it was
22 over. That's when they said, okay, we're -- I don't
23 even think they said -- I don't think they even told
24 me I was done. I think they said okay. They got

1 really annoyed with me, and they opened the door and
2 kind of just pushed me out, not physically, but
3 like, okay, it was kind of like okay.

4 Q. So what do you mean they pointed to that
5 side? Can you elaborate on that or show me?

6 A. Like do you think that it could possibly
7 be somebody else, and they motioned their hand to
8 that side.

9 Q. Okay. Toward that side of -- toward the
10 window?

11 A. Yes.

12 Q. Okay. So did you understand that they
13 were asking could it be anyone else, in general, or
14 anyone else who was in that particular lineup?

15 A. Yeah, I don't know that I'd say if they
16 said one or the other.

17 Q. Did you ask them what they meant with
18 the gesture that you were describing?

19 A. I -- no, I didn't ask them anything as
20 far as that. I think that I went there, picked the
21 person that I thought looked the most like the
22 person I saw that day. And then that was the end of
23 it, so...

24 Q. Now, as -- am I understanding it

1 strike that.

2 Do you recall that Mr. Boyd was a little
3 bit taller than Mr. Simmons from when you were
4 actually there viewing the lineup?

5 A. I don't think that I had a memory of
6 there was a man here on my left that was taller
7 than -- he's the lightest skinned out of everybody
8 in there. And I didn't even consider him because,
9 out of everybody, he was -- and that was when the
10 police officers seemed to have gotten annoyed with
11 me was when they seemed to motion that way, and I
12 wouldn't even look over there because he wasn't -- I
13 mean, he didn't look like he was it, to me, like
14 remotely.

15 Q. Okay. But my question is --

16 A. The two guys in the middle were darker,
17 so.

18 Q. Okay. So my question is a little bit
19 different though. I'm just more asking, looking at
20 these photos, or if you prefer thinking about your
21 memory, do you recall -- strike that.

22 My question was thinking back to the
23 lineup back in 1990, do you recall that Mr. Boyd was
24 taller than Mr. Simmons from when you viewed the